

JUN 26 2013

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

LEVI SPRINGER,
Plaintiff,

v.

RANDAL MATHENA *et al.*,
Defendants.

) Civil Action No. 7:12cv0074
)
)

) **FINAL ORDER ADOPTING REPORT**
) **AND RECOMMENDATION**
)

) By: Samuel G. Wilson
) United States District Judge

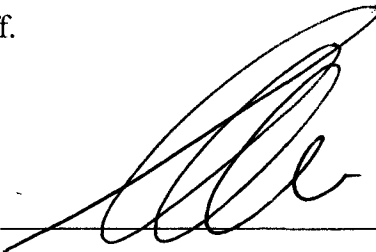
Levi Springer, a Virginia inmate proceeding *pro se*, brings yet another action pursuant to 42 U.S.C. § 1983 against a number of Virginia Department of Corrections employees. When Springer originally filed this action, he alleged that the defendants subjected him to cruel and unusual punishment by tampering with his food, encouraging other inmates to put urine and feces in the ventilation shaft that leads to his cell, and denying him medical treatment. He further alleged that the defendants denied him access to the courts, limited his access to legal resources, and withheld and tampered with his mail.

By previous order, the court adopted Magistrate Judge Pamela Meade Sargent's Report and Recommendation; denied Springer's motion for summary judgment; granted the defendants' motion for summary judgment on all of Springer's claims except for the feces-in-the-vent claim, the food-tampering claim, and one particular access-to-courts claim; and directed the defendants to file a supplemental motion for summary judgment on the remaining claims. The defendants filed that motion for summary judgment and a supplement to the motion, Springer responded, and the Magistrate Judge filed another thorough report recommending that the court grant the defendants' motion for summary judgment on Springer's remaining claims.

Springer has filed written objections to the Magistrate Judge's latest Report and Recommendation in which he repeats old arguments and asserts frivolous new arguments.

Having reviewed the Report and Recommendation, the objections thereto, and pertinent portions of the record *de novo* in accordance with 28 U.S.C. § 636(b)(1), the court agrees with the Magistrate Judge's recommendation. Accordingly, it is hereby **ORDERED** and **ADJUDGED** that Springer's objections are **OVERRULED**, the Report and Recommendation (ECF No. 106) is **ADOPTED** in its entirety, the defendants' motion for summary judgment (ECF No. 87) is **GRANTED**, and this matter is **STRICKEN** from the court's active docket. Further, Springer's "Motion for Court Clothes in Trial Appearance" (ECF No. 82) is **DENIED** as moot. The Clerk is directed to send a copy of this order to the plaintiff.

ENTER: June 26, 2013.


UNITED STATES DISTRICT JUDGE